

TITLE 10

Motor Vehicles and Traffic

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Traffic and Parking

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Article A: General Provisions

Sec. 10-1-1 State Traffic Laws Adopted.

- (a) **Statutes Adopted.** Except as otherwise specifically provided in this Code, the statutory provisions in Chapters 110, 194, and 340 through 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, for which the penalty is a forfeiture only, exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment or exclusively state charges, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. The statutory sections listed shall be designated as part of this Code by adding the prefix "10-1-" to each statute section number. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutory regulations in Chapters 340 through 349 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform statewide regulation of vehicle traffic on the highways, streets and alleys of the State of Wisconsin. Any person who shall, within the City of Amery, Wisconsin, violate any provisions of any Statute incorporated herein by reference shall be deemed guilty of an offense under this Section.
- (b) **Other State Laws Adopted.** There are also hereby adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this Chapter shall be as provided in Chapters 340 through 349, Wis. Stats., and the penalty for violation thereof shall be limited to a forfeiture as hereinafter provided in this Chapter:
- 941.01 Negligent Operation of Vehicle Off Highway
 - 941.03 Highway Obstruction
 - 943.11 Entry into Locked Vehicle
 - 943.23 Operating Motor Vehicles Without Owners Consent
 - 947.045 Drinking in Motor Vehicle on Highway
- (c) **Statutes Specifically Incorporated by Reference.** Whenever this Chapter incorporates by reference specific sections of the Wisconsin Statutes, such references shall mean the Wisconsin Statutes of 2001-2002 as from time to time amended, repealed or modified by the Wisconsin Legislature.
- (d) **General References.** General references in this Chapter to Wisconsin statutory sections or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Wisconsin Legislature describing or defining such procedures or authorities.

Sec. 10-1-2 State Administrative Code Provisions Adopted.

- (a) **Administrative Regulations Adopted.** The following administrative rules and regulations adopted by the Secretary of the Wisconsin Department of Transportation and published in the Wisconsin Administrative Code, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made part of this Chapter as if fully set forth herein.

Wis. Adm. Code — TRANS 305	Standards for Motor Vehicle Equipment
Wis. Adm. Code — TRANS 6	Transportation of Explosives by Motor Vehicle
Wis. Adm. Code — TRANS 12	Leasing of Vehicles by Private Carriers
Wis. Adm. Code — TRANS 18	Protective Headgear Standards and Specifications
Wis. Adm. Code — TRANS 22	Standards and Specifications - Design and Mounting SMV Emblem

- (b) **Non-Compliance Prohibited.** No person shall operate or allow to be operated on any highway, street or alley within the City a vehicle that is not in conformity with the requirements of Subsection (a) or the provisions of Sec. 110.075 and Chapter 347, Wis. Stats., incorporated by reference in Section 10-1-1 of this Chapter.
- (c) **Safety Checks.**
- (1) **Operators to Submit to Inspection.** When directed to do so by any law enforcement officer, the operator of any motor vehicle shall stop and submit such vehicle to an inspection and such tests as are necessary to determine whether the vehicle meets the requirements of this Section or that the vehicle's equipment is in proper adjustment or repair. No person, when operating a motor vehicle, shall fail to stop and submit such vehicle to inspection when directed to do so by any law enforcement officer as herein provided.
 - (2) **Authority of Officer.** Any law enforcement officer of the City is hereby empowered whenever he or she shall have reason to believe that any provision of this Section is being violated to order the operator of the vehicle to stop and to submit such vehicle to an inspection with respect to brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust systems, windshield wipers, tires and other items of equipment.
 - (3) **Vehicle to be Removed From Highway.** Whenever, after inspection as provided by this Section, a law enforcement officer determines that a vehicle is unsafe for operation, he or she may order it removed from the highway and not operated, except for purposes of removal and repair until the vehicle has been repaired as directed in a repair order. Repair orders may be in the form prescribed by the secretary of the Department of Transportation under Sec. 110.075(5), Wis. Stats., and shall require the vehicle owner or operator to cause the repairs to be made and return evidence of

compliance with the repair order to the department of the issuing officer within the time specified in the order.

(d) **Penalty.**

- (1) Penalty for violation of any provision of this Section, including the provisions of the Wisconsin Administrative Code, incorporated herein by reference, shall be as provided in Section 10-1-80, together with the costs of prosecution and applicable penalty assessment.
- (2) The Administrative Code sections adopted by reference in Subsection (a) above shall be designated as part of this Code by adding the prefix "10-1-" to each statute or Administrative Code section number.

Sec. 10-1-3 Official Traffic Signs and Control Devices; Prohibited Signs, Signals and Markers.

- (a) **Duty of Chief of Police to Erect and Install Uniform Traffic Control Devices.** Whenever traffic regulations created by this Chapter, including a State of Wisconsin traffic regulation adopted by reference in Section 10-1-1, require the erection of traffic control devices for enforcement, the Chief of Police with the cooperation of the Public Works Department, shall procure, erect and maintain uniform traffic control devices conforming to the Uniform Traffic Control Device Manual promulgated by the Wisconsin Department of Transportation, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Chief of Police, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the City of Amery.
- (b) **Code Numbers to be Affixed to Official Traffic Control Devices.** The Chief of Police shall cause to be placed on each official traffic control sign a guide board, mile post, signal or marker erected under Subsection (a), a code number assigned by the Wisconsin Department of Transportation, and shall also place or direct the placing of code numbers on all existing official traffic control devices as required by the laws of the State of Wisconsin.
- (c) **Prohibited Signs and Markers in Highways.** No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the City any sign, signal, marker, mark or monument unless permission is first obtained from the Chief of Police or, where applicable, the State Highway Commission. Any sign, signal, marker, mark or monument placed or maintained in violation of this Subsection shall be subject to removal as provided in Subsection (d).

- (d) **Removal of Unofficial Signs, Markers, Signals and Traffic Control Devices.** The Police Department or Public Works Department may remove any sign, signal, marking or other device which is placed, maintained or displayed in violation of this Chapter or state law. Any charge imposed against premises for removal of a prohibited or illegal sign, signal, marking or device shall be reported by the Police Department or Public Works Department to the Common Council for review and certification at its next regular meeting following the imposition of the charge. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

State Law Reference: Sections 346.41 and 349.09, Wis. Stats.

Sec. 10-1-4 Registration Record of Vehicle as Evidence.

When any vehicle is found upon a street or highway in violation of any provision of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of enforcement of this Chapter and specifically Section 10-1-1 and shall be subject to the applicable forfeiture penalty; provided the defenses defined and described in Sec. 346.485(5)(b), Wis. Stats., shall be a defense for an owner charged with such violation.

Sec. 10-1-5 School Bus Warning Lights.

- (a) (1) Notwithstanding the provisions of Sec. 346.48(2)(b)2., Wis. Stats., adopted by reference in Section 10-1-1 to the contrary and except as provided in Subsection (b) below, school bus operators shall use flashing red warning lights in residential and business districts when pupils or other authorized passengers are to be loaded or unloaded at locations at which there are no crosswalk or traffic signals so that pupils must cross the street or highway before being loaded or after being unloaded.
- (2) The operator of a school bus equipped with flashing red warning lights shall actuate such lights at least one hundred (100) feet before stopping to load or unload pupils or other authorized passengers and shall not extinguish such lights until loading or unloading is completed and persons who must cross the street or highway are safely across.
- (3) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers from either side where the curb and sidewalk are laid on one (1) side of the road only.

- (4) The operator of a school bus shall use the flashing red warning lights when loading or unloading passengers in a residential or business district when the passengers are to be loaded or unloaded at a location at which there are:
 - a. No traffic signals;
 - b. Sidewalk and curb are laid on both sides of the street or highway; and
 - c. Such persons must cross the street or highway before being loaded or after being unloaded.
- (5) The operator of a motor vehicle which approaches from the front or rear of any school bus which has stopped on a street or highway when the bus is displaying flashing red warning lights shall stop the vehicle not less than twenty (20) feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of a school bus, which approaches the front or rear of another school bus that has stopped and is displaying red warning lights, shall stop not less than twenty (20) feet from the other bus, display its red warning lights and remain stopped with red warning lights actuated until the other bus resumes motion or the other operator extinguishes the flashing red warning lights.
- (b) Pursuant to Sec. 349.21(2), Wis. Stats., the use of flashing red warning lights by school bus operators is prohibited when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of a right-of-way between the roadway and the school grounds designated by "school" warning signs as provided in Sec. 118.08(1), Wis. Stats.

Sec. 10-1-6 Blue Warning Lights on Police Vehicles.

- (a) Pursuant to Sections 346.03(3), 346.94(14), 346.95(3) and 347.25(1), (1m)(a) and (b) and (4), Wis. Stats., a marked police vehicle under Sec. 340.01(3)(a), Wis. Stats., may be equipped with a blue light and a red light which flash, oscillate or rotate.
- (b) If the vehicle is so equipped, the lights shall be illuminated when the operator of the police vehicle is exercising the privileges granted under Sec. 346.03, Wis. Stats. The blue light shall be mounted on the passenger side of the vehicle and the red light shall be mounted on the driver side of the vehicle. The lights shall be designed and mounted so as to be plainly visible and understandable from a distance of five hundred (500) feet during normal sunlight and during hours of darkness. No operator of a police vehicle may use the warning lights except when responding to an emergency call or when in pursuit of an actual or suspected violator of the law, when responding to but not upon returning from a fire alarm or when necessarily parked on a highway in a position which is likely to be hazardous to traffic using the highway.

Sec. 10-1-7 Accident Reports.

The operator of every vehicle involved in an accident shall, immediately after such accident, file with the Police Department a copy of the report required by Sec. 346.70, Wis. Stats., if any. If the operator is unable to make such report, any occupant of the vehicle at the time of the accident capable of making such report shall have the duty to comply with this Section. Such reports shall be subject to the provisions and limitations of Sections 346.70(4)(f) and 346.73, Wis. Stats., specifically that accident reports filed with this Section shall be for the confidential use of the Department and shall not be open to public inspection except as permitted by Sec. 346.73, Wis. Stats.

State Law Reference: Sec. 346.70, Wis. Stats.

Sec. 10-1-8 Official Traffic Map.

- (a) **Official Traffic Map Established.** There is hereby established an Official Traffic Map for the City upon which shall be indicated no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, special speed limits, one-way highways, school crossings and all other restrictions or limitations contained in this Chapter, as from time to time amended or modified by the Common Council when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.
- (b) **Violations Prohibited.** When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this Section, a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this Chapter.
- (c) **Map to Be Maintained.** A copy of the Official Traffic Map shall be maintained and displayed in the office of the Police Department.
- (d) **Additions to Map.** The Common Council may from time to time make additions to or deletions from the Official Traffic Map and the Chief of Police shall keep such Official Traffic Map current.

Sec. 10-1-9 through Sec. 10-1-19 Reserved for Future Use.

Article B: Street Traffic Regulations

Sec. 10-1-20 Operators to Obey Traffic Control Devices.

Every operator of a vehicle approaching an intersection at which an Official Traffic Control Device is erected in accordance with this Chapter shall obey the direction of such Official Traffic Control Device as required by the Wisconsin Statutes incorporated by reference in Section 10-1-1 of this Chapter. Operators of vehicles approaching a stop sign shall stop before entering a highway as required by Sec. 346.46, Wis. Stats. Operators approaching intersections at which a yield sign has been installed shall yield the right-of-way to other vehicles as required by Sec. 346.18(6), Wis. Stats.

Sec. 10-1-21 Heavy Traffic Routes; Class B Highways Designated; Temporary Weight Limits.

- (a) **Definition.** For purposes of this Section, "heavy traffic" shall be defined as:
 - (1) All vehicles not operating completely on pneumatic tires, and
 - (2) All vehicles or combination of vehicles designed or used for transporting property of any nature and having a gross weight of more than twelve thousand (12,000) pounds. "Heavy traffic" does not include school buses, motor buses or recreational motor homes.
- (b) **Prohibited Routes.**
 - (1) Heavy traffic is prohibited from using any City of Amery street or highway not designated as a heavy traffic route.
 - (2) This Section shall not act to prohibit heavy traffic from using a City street or highway for the purpose of obtaining orders for supplies or moving or delivering supplies or commodities to or from any place of business or residence which has an entrance on such street or highway, nor shall this Section apply to heavy traffic necessary to obtain orders, to make deliveries, or to move supplies or equipment for agricultural purposes. This exception shall be permitted for the period of time necessary to complete the above-described activities. This Section will not act to prohibit heavy traffic from using any City streets over which are routed state trunk highways. When being driven to the site of any construction, repair or maintenance of electric, gas or water service, vehicles owned and operated by a public utility will be exempt from the provisions of this Section.
- (c) **Administration.** The Police Department shall administer this Section. Administration shall include:
 - (1) **Posting of Signs.** Appropriate signs shall be posted giving notice of this Section and of the heavy traffic routes established herein. Yellow sign posts may also be used to designate heavy traffic routes.

- (2) **Maps.** Maps of the City showing heavy traffic routes shall be prepared and shall be available upon request by heavy traffic operators and owners.
- (3) **Construction Equipment.**
 - a. Heavy construction equipment may use City streets or highways not designated as heavy traffic routes provided that the closest access route is utilized.
 - b. City-owned or operated equipment is specifically excluded from the provisions of this Section.
- (d) **Liability.** Any operator, corporation, owner or agent whose heavy traffic vehicle damages any City streets or highways in violating this Section shall be liable and required to pay the City the cost of repair or replacement of the damaged street or highway.
- (e) **Streets Designated Class "B" Highways.** All streets and highways within the City of Amery, Wisconsin, are hereby designated Class "B" highways subject to the weight limitations imposed on Class "B" highways by the Wisconsin Statutes adopted by reference in Section 10-1-1 except the highways or parts of highways designated as heavy traffic routes in Subsection (f) below, and as follows:
 - (1) All state trunk highways and connecting streets.
 - (2) All county trunk highways and connecting streets, within the City limits as indicated by the appropriate highway markers.
- (f) **Heavy Traffic Routes.** The following streets in the City of Amery are hereby designated heavy traffic routes, for commercial vehicles, pursuant to Sec. 349.17, Wis. Stats.
 - (1) State Highway 46 (Keller Avenue).
 - (2) County Trunk Highway F.

State Law Reference: Sec. 349.17, Wis. Stats.

Sec. 10-1-22 Through Streets Designated.

In the interest of public safety and pursuant to Sec. 349.07, Wis. Stats., the streets or portions thereof set forth in this Section are declared to be through highways, and traffic signs or signals giving notice thereof shall be erected by the Chief of Police or his/her designee in accordance with Section 10-1-3:

- (a) State Highway 46 from the north City limits to the south City limits.
- (b) Birch Street from the west curb line of Harriman Avenue to and including the west curb line of Amundson Street.
- (c) Baker Street from west curb line of Harriman Avenue to west City limits.
- (d) Broadway Street (CTH F) from the east curb line of Keller Avenue to east City limits.
- (e) Deronda Street (CTH F) from west curb line of State Highway 46 to west City limits.
- (f) Maple Street from west curb line of Harriman Avenue to north Twin Lake.
- (g) Central Street from east curb line of Keller Avenue to east City limits.

- (h) Elm Street from west curb line of Harriman Avenue to but not including junction with Baker Street.
- (i) Harriman Avenue from west curb line of Burman Avenue to north curb line of Deronda Street (CTH F).
- (j) Riverside Boulevard from north curb line of Birch Street, thence north to termination of said boulevard.
- (k) Dickey Avenue from south curb line of South Street to a north curb line of Deronda Street.

State Law Reference: Sec. 349.07, Wis. Stats.

Sec. 10-1-23 Controlled Intersections.

- (a) **Complete Stops Required.** It shall be unlawful for any person driving or operating any motor vehicle or other vehicle to drive or cause the same to be driven into an intersection designated and declared by this Section to be a stop zone listed heretofore and signalized intersections without first coming to a full and complete stop.
- (b) **Designation of Location of Stop Signs.** In the interest of public safety, stop and yield signs shall be installed at locations shown on the Official Traffic Map to control highways over which the City has exclusive jurisdiction.

Sec. 10-1-24 One-Way Streets and Alleys.

- (a) **One-Way Alleys.** The following alleys are made one-way alleys as hereinafter designated:
 - (1) The alley in the middle of Block 5, Original Plat of said City, shall be entered only at the north end and left only at the south end thereof.
 - (2) The alley in the middle of Block 2, Original Plat of said City, shall be entered at the north end and left only from the south end thereof.
 - (3) The alley on the east side of Block 1, Original Plat of said City, shall be entered at the south end and left only at the north end thereof.
 - (4) The alley on the east side of Block 6, Original Plat of said City, shall be entered only at the south end and left only at the north end thereof.

Sec. 10-1-25 U-Turns Prohibited.

No U-turn is permitted at any intersection on Keller Avenue from 2nd Street to Cornwall Avenue.

Sec. 10-1-26 Speed Limits.

The provisions of Secs. 346.57, 346.58, and 346.59, Wis. Stats., relating to the maximum and minimum speed of vehicles are hereby adopted as part of this Section as if fully set forth herein, except as modified as follows by this Section pursuant to Sec. 349.11(3)(c), Wis. Stats, where the Common Council has determined that the statutory speed limits are unreasonable, unsafe and imprudent and has modified such limits:

- (a) The maximum speed on Keller Avenue (STH 46) from the intersection of Burman Avenue with said Keller Avenue to the north City limits shall be forty (40) miles per hour.
- (b) The maximum speed on Baker Street from the intersection of Elm Street West with said Baker Street to the west City limits shall be twenty-five (25) miles per hour.

Sec. 10-1-27 through Sec. 10-1-39 Reserved for Future Use.

Article C: Parking Regulations

Sec. 10-1-40 Restrictions on Parking; Posted Limitations.

- (a) **Forty-eight (48) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on any public streets or public parking lots in the City of Amery for a period of forty-eight (48) or more consecutive hours in the same location at any time, except that where more restrictive parking limits have been established, the more restrictive limits shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he/she is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Chapter. The law enforcement officer may cause said vehicle to be removed to a proper impoundment and storage area within the City where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he/she may recover the possession thereof.
- (b) **Posted Limitations.**
- (1) The Common Council may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The City shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Sec. 349.13, Wis. Stats.
 - (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by state law or elsewhere by this Code of Ordinances.
 - (3) The Chief of Police is hereby granted the authority, within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of Ch. 346, Wis. Stats. The Common Council shall have the authority to restrict the turning or movement of heavy traffic and to impose special weight limitations on any highway or portions thereof which, because of the weakness of the roadbed due to deterioration or climatic conditions or other special or temporary conditions, would likely be seriously damaged or destroyed in the absence of any restrictions on heavy traffic movement or special weight limitations.
 - (4) No prohibition, restriction or limitation on parking or restriction on movement or turning of heavy traffic and imposition of special weight limits is effective unless official traffic control devices have been placed or erected indicating the particular prohibition, restriction or limitation.

- (5) After the parking limitations on any given street have expired, any change of location of not more than one (1) stall following expiration of the parking period allowed shall be and constitute a violation of this Chapter.

Sec. 10-1-41 Parking Restrictions During Temporary Snow Removal or Street Maintenance.

- (a) **Street Maintenance.** Whenever it is necessary to clear or repair a City roadway or any part thereof, the Public Works Department and/or Police Department shall post such highways or parts thereof with signs bearing the words "No Parking -Street Maintenance Work." Such signs shall be erected at least two (2) hours prior to the time that street maintenance work is to be commenced. No person shall park a motor vehicle in violation of such signs.
- (b) **Temporary Parking Restrictions for Special Events.** For the period of time during which a community event is being held and upon proper resolution of the Common Council, all or any portion of a street, adjacent to the area at which the community event is being held, may be designated as a temporary no-parking zone. All such temporary no-parking zones shall be properly designated by an official no-parking sign placed or erected pursuant to the authority and direction of the Common Council. The operator of any motor vehicle shall not park or allow such vehicle to stand in such temporary no-parking zone.
- (c) **Parking During Special Snow Removal.** No person shall park, place or leave standing any automobile, truck or other vehicle on any street or public way after one (1) hour from the time such area has been designated and marked with temporary signs or barriers by the Public Works and/or Police Departments of the City indicating no parking due to special snow removal work.

Sec. 10-1-42 Stopping or Parking Prohibited in Certain Specified Places.

- (a) **Parking Prohibited at All Times.** No person shall at any time park or leave standing any vehicle whether attended or unattended and whether temporarily or otherwise, in any of the following locations:
 - (1) Within an intersection.
 - (2) On a crosswalk.
 - (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers or parking meters. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of a sidewalk ten (10) feet beyond the curb line.

- (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
 - (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
 - (6) Within a fire lane consisting of either the driveway between the front doors of a Fire Station and the public street or in such places properly designated and marked as fire lanes ordered by the Fire Chief.
 - (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
 - (8) In any place or manner so as to obstruct, block or impede traffic.
 - (9) Within ten (10) feet of a fire hydrant, unless a greater distance is indicated by an official traffic sign.
 - (10) Upon any portion of a highway where and at the time when parking is prohibited, limited or restricted by official traffic signs.
 - (11) Upon any bridge.
 - (12) Upon any street or highway within the City limits any vehicle which faces a direction different from the direction of normal traffic flow for the lane of traffic in which said vehicle is stopped or standing.
 - (13) Upon any terrace or sidewalk in the City at any time.
 - (14) In a loading zoning.
 - (15) Within four (4) feet of the entrance to an alley, private road or driveway.
 - (16) In any municipal park when said park is closed to the public.
 - (17) Closer than fifteen (15) feet to the near limits of a crosswalk.
- (b) **Parking in Driveways.** No person shall park or leave standing any motor vehicle in any private driveway without the permission of the owner or lessee of the property which such driveway is located, whether or not such driveway is posted to limit or restrict parking.
- (c) **Vehicles Not to Block Private Drive, Alley or Fire Lane.** No vehicle shall, at any time, be parked so as to unreasonably restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.
- (d) **Parking Vehicle for Repair or to Display for Sale Prohibited.**
- (1) No person shall stand or park a vehicle on any street, alley, public right-of-way or municipal parking lot in the City of Amery for the purpose of repairing said vehicle or to display such vehicle for sale. No person shall park on any street or avenue any vehicles for the primary purpose of advertising.

- (2) No person other than an owner and/or operator of a business located on business-zoned property engaged in the regular business of selling vehicles may display a vehicle for sale upon private premises unless the following conditions are met:
 - a. Consent to display the vehicle has been given by the owner or lessee of the premises; and
 - b. The owner of the vehicle is on the premises or resides there; and
 - c. The vehicle displayed for sale is parked entirely on the premises; and
 - d. The premises contains only one (1) vehicle displayed for sale; and
 - e. The advertisement or sign for sale of the vehicle is not larger than two (2) square feet.

Cross-Reference: Title 10, Chapter 5

State Law Reference: Sec. 346.52, Wis. Stats.

Sec. 10-1-43 Parking Reserved for Vehicles of Disabled.

- (a) **Parking Regulated.** When official traffic signs indicating such restriction have been erected in accordance with Section 10-1-3 of this Chapter, no person shall park, stop or leave standing any vehicle upon any portion of a street, highway or public or private parking facility reserved for vehicles displaying special registration plates or identification cards or emblems issued by the Wisconsin Department of Transportation or, for vehicles registered in another jurisdiction, by such other jurisdiction designating the vehicle as one used by a physically disabled person.
- (b) **Parking Designated for Physically Disabled Persons.** The following is designated as restricted parking for the physically disabled person.
 - (1) **On the east side of Keller Avenue.**
 - a. The first parking space at the south side of Elm Street east of Keller Avenue.
 - b. The first parking space south from the intersection of Maple Street with Keller Avenue.
 - c. The first parking space south from the intersection of Central Street with Keller Avenue.
 - (2) **On the West Side of Keller Avenue.**
 - a. The first parking space south from the intersection with Birch Street.
 - (3) **On the North Side of Maple Street.**
 - a. The first parking space west from the intersection of Keller Avenue with Maple Street.
 - (4) **On the North Side of Center Street.**
 - a. The first parking space east from the intersection of Harriman Avenue with Center Street.

Sec. 10-1-44 Leaving Keys in Vehicle Prohibited; Parking Vehicles With Motor Running.

- (c) **Leaving Keys in Vehicle.** No person shall permit any motor vehicle to stand or remain unattended on any street, alley or other public area, except an attended parking area, unless either the starting lever, throttle, steering apparatus, gear shift or ignition of the vehicle is locked and the key for such lock is removed from the vehicle. Whenever any police officer shall find any vehicle standing with the key in the ignition in violation of this Section, such officer is authorized to remove such key from the vehicle and deliver the key to the Police Department for safe custody.
- (d) **Parking Vehicles With Motor Running.** No person shall park or leave standing and unoccupied any motor vehicle with the motor or refrigerator unit running for more than thirty (30) minutes within three hundred (300) feet of any residence within the City of Amery between the hours of 10:00 p.m. and 7:00 a.m.

Sec. 10-1-45 Unattended Motorized Machinery.

It shall be unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth and which is owned or controlled by him/her to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

Sec. 10-1-46 Angle Parking.

- (a) The Common Council shall from time to time have certain streets or portions of streets marked with white lines to designate parallel or diagonal parking places. Angle parking or parking diagonally is prohibited on all the streets, alleys and highways of the City except as provided herein in designated angle parking stalls. All vehicles shall park parallel to, and within one (1) foot of, the curb except where streets and parking lots are so marked for angle parking.
- (b) No person shall at any time park any vehicle:
 - (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
 - (2) Backwards into angle parking spaces so designated and provided by appropriate markings, unless engaged in actual repair, construction or maintenance work.
 - (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street where angle parking is so provided and allowed.

Sec. 10-1-47 All-Night Parking Restrictions.

No person shall park any vehicle for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 6:00 a.m. of any day, except physicians on emergency calls, on any of the following streets:

- (a) On Keller Avenue between Maple Street and the railroad tracks.

Sec. 10-1-48 Winter Parking Restrictions.

When signs have been erected at or reasonably near the corporate limits of the City as provided in Sec. 349.13, Wis. Stats., no person shall park or leave standing any vehicles on any street or parts thereof for longer than the period hereinafter specified at any time between the hours of 6:00 a.m. and 10:00 p.m., upon the following streets or portion thereof, except temporarily for the purpose of and while actually engaged in receiving or discharging passengers:

(a) **One-Hour Parking Limit.**

- (1) On the east side of Keller Avenue between Broadway Street and Tower Street.
- (2) On the west side of Keller Avenue between Broadway Street and Burman Avenue.

(b) **Two-Hour Parking Limit.**

- (1) On the east side of Harriman Avenue between Center Street and Maple Street.
- (2) On Elm Street between Keller Avenue and River Avenue.
- (3) On Center Street from the intersection with Harriman Avenue east to the end of said street.
- (4) On Birch Street from the intersection with Harriman Avenue east to the river.
- (5) On the south side of Maple Street from the intersection with Harriman Avenue east to Keller Avenue.
- (6) On Maple Street from the intersection with Keller Avenue east to the first alley.
- (7) On Maple Street from the intersection with Harriman Avenue to the first alley east of Keller Avenue.
- (8) On the west one-half of the public parking lot located immediately north of Center street and immediately east of the alley on the east side of the Block Six Original Plat of the City.
- (9) On the north one-half of the public parking lot located on the south side of Center Street, between Keller Avenue and Harriman Avenue.

Sec. 10-1-50 Parking Prohibited Zones.

There shall be "No Parking" along the south side of CTH F from State Highway 46 east to Minneapolis Avenue.

Sec. 10-1-51 Parking of Vehicles Over 12,000 Pounds or 22 Feet Restricted.

- (a) **Parking.** No person owning or having control of any truck, trailer, truck power unit, tractor, bus, recreation vehicle, camping/recreational use camper, or combination of vehicles weighing in excess of twelve thousand (12,000) pounds gross weight, or over twenty-two (22) feet in length (including accessories, racks, or other physical extensions), or having a height of more than eight (8) feet from the roadway, shall park the same upon any street, avenue, or public way in the City of Amery for a continuous period exceeding one (1) hour between the hours of 6:00 a.m. and 9:00 p.m. The provisions of this Subsection shall not be deemed to prohibit the lawful temporary parking of such equipment upon any street, avenue, public way or private property in the City for the actual loading or unloading of goods, ware or merchandise, providing, however, the "loading" and "unloading," as used in this Section, shall be limited to the actual time consumed in such operation. The Common Council may, however, designate specific truck parking zones.
- (b) **Exceptions.** Any municipal vehicle or public works equipment is excepted from the provisions of Subsection (a) above. Temporary parking of recreational vehicles may be allowed pursuant to Subsection (e) below.
- (c) **Bus Parking.** No operator of a school bus or other bus, regardless of its size, shall park such vehicle in any residential district — on the street, on a lawn, in the alley, in a driveway or anywhere else — except for such time as is reasonably necessary to facilitate the loading or unloading of the vehicle, except that school buses may park at any school when required.
- (d) **Removal.** Any vehicle unlawfully parked under Subsection (a), (b) or (c) above may be removed from the street by order of a law enforcement officer, pursuant to Section 10-1-54, and the expense of so moving and storing such vehicle shall be paid by the operator or owner of said vehicle as a forfeiture in addition to the penalties hereafter prescribed.
- (e) **Temporary Parking by Permit of Recreational Vehicles on City Streets.**
 - (1) **Temporary Permit Required.** No person shall park, stop or leave standing any mobile recreational vehicle or equipment for more than twenty-four (24) consecutive hours on any City street, alley, highway, public right-of-way, or City off-street parking lot unless they possess a temporary parking permit. In no case may a person inhabit a mobile recreational unit overnight unless a temporary permit is obtained prior to such habitation and in no event shall a recreational vehicle be parked in or inhabited in a City park.
 - (2) **Definitions.** "Mobile recreational vehicle or equipment" means any boat, boat trailer or unit designed as temporary living quarters for recreational, camping or travel use, regardless of size or weight, including, but not limited to, motor homes, travel trailers, pickup trucks with camping units, pop-up camping trailers, house trailers, mobile homes, private or converted buses. The unit may have its own automotive power or be mounted on or drawn by an automotive vehicle.

- (3) **Permit Application.** A "temporary permit" may be obtained from the Amery Police Department where there is no alternative parking available. Such permit shall be valid for a period of not more than seven (7) consecutive days. The permit may be renewed up to a maximum period of fourteen (14) days in any calendar year. No permission shall be granted for parking in lots adjacent to or included in a City park.

Sec. 10-1-52 Unlawful Removal of Parking Citations.

No person other than the owner or operator thereof shall remove a City parking citation from a motor vehicle.

Sec. 10-1-53 Operation of Motor Vehicles in Public Parking Lots.

- (a) **Unlicensed Operators Prohibited.** No person who does not hold a valid operator's license shall operate a vehicle in any public parking lot or ramp or in any private parking lot or ramp held out for the use of parking for the general public.
- (b) **Traffic Regulations Applicable.** All provisions of Section 10-1-1 of this Chapter and of the Wisconsin Statutes and laws incorporated herein by reference shall be applicable on any public parking lot or ramp and on any private parking lot, road or ramp held out for use for the general public for parking or vehicular traffic.

Sec. 10-1-54 Removal of Illegally Parked Vehicles.

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any City law enforcement officer, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Traffic Officer.** Any City law enforcement officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle to a position where parking is permitted.
- (d) **Removal by Private Service.** A City law enforcement officer may order a motor carrier holding a permit to perform vehicle towing services, a licensed motor vehicle salvage dealer or a licensed motor vehicle dealer who performs vehicle towing services to remove and store such vehicle in any public storage garage or rental parking grounds or any facility of the person providing the towing services.

- (e) **Towing and Storage Charges.** In addition to other penalties provided in this Chapter, the owner or operator of a vehicle so removed shall pay the actual cost of moving, towing and storage. If the vehicle is towed or stored by a private motor carrier, motor vehicle salvage dealer or licensed motor vehicle dealer, actual charges regularly paid for such services shall be paid. If the vehicle is stored in a public storage garage or rental facility, customary charges for such storage shall be paid. Upon payment, a receipt shall be issued to the owner of the vehicle for the towing or storage charge.
- (f) **Liability.** No person who removes or stores a vehicle under this Section or otherwise at the request of a law enforcement officer shall incur any civil liability for the act, except for failure to exercise reasonable care in the performance of the act or for conduct that is willful, wanton, or malicious.
- (g) **Release of Personal Property.**
 - (1) A person who has custody of a vehicle removed or stored pursuant to this Section, or otherwise at the request of a law enforcement officer, shall release the personal property within the vehicle to the owner of the vehicle during regular office hours upon presentation by the owner of proper identification.
 - (2) As used in this Subsection:
 - a. "Personal Property" means all property within the vehicle which is not mounted, attached or affixed to the vehicle.
 - b. "Proper Identification" means identification which would be sufficient to establish ownership to release the vehicle.
 - (3) No charge may be assessed against the owner for the removal or release or personal property.
 - (4) If the owner removes the personal property from a motor vehicle under this Subsection, the vehicle shall be deemed abandoned unless the person enters into a written agreement to pay the full charges for towing and storage. The owner shall be informed of this provision by the person who has custody of the vehicle before the property is released. A vehicle deemed abandoned under this Subsection may be disposed of as are other abandoned vehicles by the Amery Police Department.
- (h) **Private Trespass Parking.** No vehicle involved in trespass parking on a private parking lot or facility shall be removed without the permission of the vehicle owner, except upon the issuance of a repossession judgment or upon written complaint of the property owner and a citation for illegal parking issued by the officer.

Sec. 10-1-55 Inoperable, Wrecked or Discarded Vehicles.

- (a) **Storage Prohibited.** No person owning or having custody of any partially dismantled, nonoperable, wrecked, junked or discarded motor vehicle shall allow such vehicle to remain on any public street or highway, parking lot or ramp longer than forty-eight (48) hours after

notification thereof by the Police Department. Any such vehicle not removed within forty-eight (48) hours is declared to be a public nuisance and may be removed as provided in Section 10-1-54.

- (b) **Exemptions.** This Section shall not apply to a motor vehicle in an appropriate storage place or depository maintained in a lawful place and manner authorized by the City of Amery.

Cross-Reference: Section 10-5-1.

Sec. 10-1-56 Traffic and Parking Regulations on School District Grounds.

Pursuant to the provisions of Sec. 118.105, Wis. Stats., the following regulations shall apply to the grounds of the Amery Public School District located within the City of Amery:

- (a) **Parking.** All parking on any grounds of the Amery School District from 7:30 a.m. to 4:30 p.m. shall be restricted to areas designated for parking by the School Board. When signs are erected by the School Board giving notice of such restrictions, all persons shall park only in areas designated and signed for visitor parking. There shall be no parking on said grounds between 11:00 p.m. and 6:00 a.m., except when school functions extend past 11:00 p.m.; on such nights there shall be no parking one (1) hour after the function has concluded.
- (b) **Speed Limits.** No person shall, at any time, operate a motor vehicle upon any School District grounds at a speed in excess of ten (10) miles per hour.
- (c) **Vehicles Prohibited at Specified Times.** No person shall, at any time, operate a motor vehicle other than a school bus or emergency vehicle, in or upon any drive designated for buses only during the hours of 7:00 a.m. to 9:00 a.m., and during the hours of 3:00 p.m. to 4:30 p.m. on any weekday during the months school is in session.
- (d) **State Traffic Forfeiture Laws Adopted.** All provisions of Chapters 340 to 349, Wis. Stats., describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedures for prosecution, are hereby adopted and by reference made a part of this Section as if fully set forth herein. Such statutory sections shall be designated as part of this Code by adding the prefix "10-1-56-" to each state statute section number. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section.
- (e) **Miscellaneous Rules.**
 - (1) No person shall operate a motor vehicle on such school premises at a rapid or sudden acceleration with the intent of squealing tires or leaving tire marks.
 - (2) No person shall operate a motor vehicle on such premises across parking lot islands or parking lot dividers.

- (f) **Direction Signs.** No person shall enter, exit or drive a vehicle within a parking lot contrary to the directions as specified by signs and markings appearing therein.

Sec. 10-1-57 through Sec. 10-1-59 Reserved for Future Use.

Article D: Miscellaneous Provisions

Sec. 10-1-60 Disturbance of the Peace With a Motor Vehicle.

(a) **Unnecessary Noise Prohibited.**

- (1) **Unnecessary Noise.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Amery. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, or the creation by means of any signal device of any unreasonably loud or harsh sound and the sounding of such device for any unnecessary or unreasonable period of time is prohibited under this Section.
- (2) **Mufflers.** Every motor vehicle operated upon a public way shall be equipped with a muffler in good and proper working order and be in constant operation so as to prevent excessive or unusual noise or annoying exhaust smoke.
- (3) **Use of Devices.** No person shall use or place upon any motor vehicle to be operated upon a public way any muffler cut-out, bypass or similar device. No device shall be used on any motor vehicle operated upon the public way to create unnecessary noise and disturbance.

(b) **Unnecessary Smoke Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive which may tend to annoy or disturb another in or about any public or private area in the City.

(c) **Unnecessary Acceleration and Display of Power Prohibited.** It shall be unlawful for any person to operate any vehicle, including motorcycles, all-terrain vehicles and bicycles, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle or cycle to spin or emit loud noises or to unnecessarily throw stones or gravel; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.

(d) **Disorderly Conduct with a Motor Vehicle.**

- (1) **Conduct Prohibited.** No person shall, within the City of Amery, by or through the use of any motor vehicle, including but not limited to, an automobile, truck, motorcycle, minibike or snowmobile, cause or provoke disorderly conduct with a motor vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or the safety of another's person or property.
- (2) **Definition.** "Disorderly conduct with a motor vehicle" shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or the safety of another's person or property, or otherwise disorderly conduct, including but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire

or causing the vehicle, while commencing to move or in motion, to raise one or more wheels off the ground.

- (3) **Avoidance of Traffic Control Device Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and travel across private property to avoid an official traffic control device, sign, or signal.
- (e) **Operation in Restricted Area Prohibited.** It shall be unlawful for any person to operate a motor vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. This Section shall specifically include, but not be limited to:
 - (1) Public park property;
 - (2) Cemetery properties;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;
 - (8) Restaurants;
 - (9) Financial institutions; and
 - (10) Other similar-type businesses with service driveways or drive-up or drive-through facilities.
- (f) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a motor vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain persons and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any vehicle parked in violation of this Section may be cited and/or removed or towed by the property owner at the vehicle owner's expense.

Sec. 10-1-61 Motor Vehicles on Pedestrian Ways and Overpasses.

No person shall operate or park any motor vehicle on any sidewalk, pedestrian way or pedestrian overpass within the City of Amery except municipal or county maintenance vehicles.

Sec. 10-1-62 School Crossing Guards.

Pursuant to Sec. 349.215, Wis. Stats., those adult persons hired by the School District or Police Department to act as "School Crossing Guards" shall have the authority to stop vehicular traffic and to keep it stopped as long as necessary at their respective school crossings for the purpose of permitting school children to cross the street.

State Law Reference: Sec. 349.215, Wis. Stats.

Sec. 10-1-63 Driving Over Curbing or Safety Islands Prohibited.

- (a) **Driving Over Curbing Prohibited.** It shall be unlawful for any motor vehicle to be driven or backed over any curbing in the City of Amery.
- (b) **Driving Over Safety Zones or Islands Prohibited.** Whenever safety zones or safety islands are marked in accordance with the Wisconsin Uniform Traffic Control Device Manual, no operator of a vehicle shall at any time drive through or over a safety zone or safety island. Persons causing damage to curbing by driving over such curbing shall be responsible for the cost of such repairs.

Sec. 10-1-64 Use of Compression (Jake) Brakes Prohibited.

No person shall use motor vehicle brakes within the City of Amery that are in any way activated or operated by the compression of an engine of any such motor vehicle or any unit or part thereof.

Sec. 10-1-65 Sound-Producing Devices in Vehicles; Impoundment; Seizure and Forfeiture.

- (a) **Sound-Producing Devices; Impoundment; Seizure and Forfeiture.**
 - (1) In this Section, "sound-producing device" does not include a piece of equipment or machinery that is designed for agricultural purposes and that is being used in the conduct of agricultural operations.
 - (2) A law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a City ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise, is authorized to impound any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has two (2) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other City ordinance prohibiting excessive noise. The City authorizes the impoundment of a vehicle for not more than five (5) working days to permit the City authorities or their authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner.

- (3) The City may recover the cost of impounding the sound-producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound-producing device. Upon disposition of the forfeiture action for the violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise and payment of any forfeiture imposed, the sound-producing device shall be returned to its rightful owner.
- (4) The City may dispose of any impounded sound-producing device or, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.
- (5) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (6) Notwithstanding Subsections (a)(1)-(5) above, the City authorizes a law enforcement officer, at the time of issuing a citation for a violation of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise, to seize any radio, electric sound amplification device or other sound-producing device used in the commission of the violation if the person charged with such violation is the owner of the radio, electric sound amplification device or other sound-producing device and has three (3) or more prior convictions within a three (3) year period of Sec. 346.94(16), Wis. Stats., or a local ordinance in strict conformity with Sec. 346.94(16), Wis. Stats., or any other local ordinance prohibiting excessive noise.
- (7) The City may impound a vehicle violating Subsection (a)(6) vehicle for not more than five (5) working days to permit the City or its authorized agent to remove the radio, electric sound amplification device or other sound-producing device if the vehicle is owned by the person charged with the violation and the sound-producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner upon payment of the reasonable costs of impounding the vehicle and removing the sound-producing device.
- (8) Any seized sound-producing device under Subsection (a)(6) shall be treated in substantially the manner provided in Sec. 973.075(3), 973.076 and 973.077, Wis. Stats., for property realized through the commission of any crime, except that the sound-producing device shall remain in the custody of the applicable law enforcement agency; a district attorney or City Attorney, whichever is applicable, shall institute the forfeiture proceedings; and, if the sound-producing device is sold by the law enforcement agency, all proceeds of the sale shall be retained by the City.
- (9) The City may, following the procedure for an abandoned vehicle under Sec. 342.40, Wis. Stats., dispose of any impounded vehicle which has remained unclaimed for a period of ninety (90) days after disposition of the forfeiture action.

- (10) This Subsection does not apply to a radio, electric sound amplification device or other sound-producing device on a motorcycle.
- (b) **Vehicle Owner's Liability for Radios or Other Electric Sound Amplification Devices.**
- (1) a. The owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., shall be presumed liable for the violation as provided in this Section.
- b. Notwithstanding Subsection (b)(1), no owner of a vehicle involved in a violation of Sec. 346.94(16), Wis. Stats., may be convicted under this Section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this Section or under Sec. 346.94(16), Wis. Stats.
- (2) Any member of the public who observes a violation of Sec. 346.94(16), Wis. Stats., may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:
- a. The time and the approximate location at which the violation occurred.
- b. The license number and color of the motor vehicle involved in the violation.
- c. Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.
- (3) a. 1. Within twenty-four (24) hours after observing the violation, a member of the public may deliver a report containing all of the information in Subsection (b)(2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in Subsection (b)(2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.
2. Within forty-eight (48) hours after receiving a report containing all of the information in Subsection (b)(2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under Sec. 345.11 and, within seventy-two (72) hour after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.
- b. If with reasonable diligence the owner cannot be served under Subsection (b)(3)a, service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least fourteen (14) years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under Subsection (b)(3)a.1.
- c. If with reasonable diligence the owner cannot be served under Subsections (b)(3)a or b or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known

address. Service under this paragraph shall be performed by posting the certified mail within seventy-two (72) hours after a report containing all of the information in Subsection (b)(2) was delivered to a traffic officer under paragraph (a)1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under Subsections (b)(3)a or b has been attempted.

(4) Defenses to the imposition of liability under this Section include:

- a. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.
- b. If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this Section or under Sec. 346.94 (16), Wis. Stats.
- c. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under Sec. 343.46(3), Wis. Stats., then the lessee and not the lessor shall be liable under this Section or under Sec. 346.94(16), Wis. Stats.
- d. If the vehicle is owned by a dealer, as defined in Sec. 340.01(11) (intro.), Wis. Stats., but including the persons specified in Sec. 340.01 (11)(a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this Section or under the applicable provision of Sec. 346.94(16), Wis. Stats.
- e. Notwithstanding Sec. 346.94(16)(b)6., Wis. Stats., this Section does not apply to the operation of a motorcycle.

(c) **Radios or Other Electric Sound Amplification Devices Regulated.**

- (1) Notwithstanding Sec. 346.94(16), Wis. Stats., the City provides that, except as provided in Sec. 347.38(1), Wis. Stats., no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of fifty (50) or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition. Any

person violating this Subsection may be required to forfeit not less than Forty Dollars (\$40.00) nor more than Eighty Dollars (\$80.00) for the first violation and not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) for the second or subsequent violation within a year.

(2) Subsection (c)(1) may not apply to any of the following:

- a. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.
- b. The operator of a vehicle of a public utility, as defined in Sec. 11.40(1)(a), Wis. Stats.
- c. The operator of a vehicle that is being used for advertising purposes.
- d. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.
- e. The activation of a theft alarm signal device.
- f. The operator of a motorcycle being operated outside of a business or residence district.

State Law Reference: Sec. 347.38(1), Wis. Stats.

Sec. 10-1-66 Golf Cart Crossing Over County Highway F.

A golf cart crossing, ten (10) feet in width, is established over County Highway F. The easterly boundary line of this crossing is one hundred sixty seven (167) feet westerly of the intersection of the westerly boundary line of a City street known as West Golf Lane with Highway F. Before using this crossing, all golf cart operators shall stop and yield the right-of-way to all vehicles approaching on County Highway F. This crossing shall be marked with painted lines on County Highway F and by signs approved by the Wisconsin Department of Transportation.

Sec. 10-1-67 through Sec. 10-1-79 Reserved for Future Use.

Article E: Enforcement and Penalties

Sec. 10-1-80 Penalties.

- (a) **Penalty.** The penalty for violation of any provision of this Chapter shall be a deposit as hereafter provided, together with court costs and fees prescribed by Sections 814.63(1) and (2) or 814.65(1), Wis. Stats., the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Sections 165.87 and 346.655, Wis. Stats., where applicable. Payment of the judgment and applicable court costs, fees, assessments and surcharges may be suspended by the sentencing court for not more than sixty (60) days. Any person eighteen (18) years of age or older who shall fail to pay the amount of the forfeiture, court costs, any penalty assessment or driver surcharge or other penalty imposed for violation of any provision of this Chapter may, upon order of the court entering judgment therefor and having jurisdiction of the case, be imprisoned until such forfeiture, costs and assessment are paid, but not exceeding ninety (90) days.
- (b) **Other Sanctions.**
 - (1) **By Court.** Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.
 - (2) **By Municipality.** No person who has been convicted of a violation of any provision of this Chapter shall be issued a license or permit by the City, except a dog license, until the forfeiture imposed for such violation and any penalty assessment, court costs and fees or surcharge is paid.
- (c) **Forfeitures for Violation of Uniform Moving Traffic Regulations.** Forfeitures for violations of any moving traffic regulation set forth in the Wisconsin Statutes adopted by reference in Section 10-1-1 shall conform to the forfeiture penalty permitted to be imposed for violations of the comparable Wisconsin Statute, including any variations or increases for subsequent offenses; provided, however, that this Subsection shall not be construed to permit prosecution under this Chapter for any offense described in Chapters 341 to 350, Wis. Stats., for which an imprisonment penalty or fine may be imposed upon the defendant.
- (d) **Forfeitures for Parking Violations.**
 - (1) **Forfeitures for Uniform Statewide Parking, Stopping and Standing Offenses.** Minimum and maximum forfeiture for violation of non-moving traffic violations adopted by reference in Section 10-1-1 as described in Chapter 341 to 350, Wis. Stats., shall be as found in the current edition of the Revised Uniform State Traffic Deposit Schedule.
 - (2) **Penalty for Other Parking Violations.** The forfeiture for violation of parking regulations in Sections 10-1-40 through 10-1-56 shall be a forfeiture of not less than

Ten Dollars (\$10.00) if paid within ten (10) days of the violation, and double if not paid within ten (10) days. The forfeiture for violation of Section 10-1-43 or 10-1-51 shall be Twenty-five Dollars (\$25.00) if paid within forty-eight (48) hours of the violation.

- (e) **Other Violations.** Any person who shall violate any provision of this Chapter for which a penalty is not otherwise established by this Section shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) for the first offense and not less than Twenty Dollars (\$20.00) nor more than Five Hundred Dollars (\$500.00) for the second offense within two (2) years.

Sec. 10-1-81 Enforcement.

(a) **Enforcement Procedures.**

- (1) **How Enforced.** This Chapter shall be enforced in accordance with the applicable provisions of the Wisconsin Statutes and this Section.
- (2) **Applicable Court Procedures.** Except where otherwise specifically provided by the laws of the State of Wisconsin or this Code, the traffic regulations in this Code shall be enforced in accordance with the provisions of Sec. 345.20(2)(b) and Chapter 800, Wis. Stats.

(b) **Citations.**

- (1) **Uniform Citation and Complaint.** The Wisconsin Uniform Municipal Citation described and defined in the Wisconsin Statutes shall be used for enforcement of all provisions of this Chapter except those provisions which describe or define non-moving traffic violations and violations of Sections 346.71 through 346.73, Wis. Stats. Violations of Sections 346.71 through 346.73, Wis. Stats., shall be reported to the District Attorney and the Wisconsin Uniform Traffic Citation shall not be used in such cases except upon written request of the District Attorney.
- (2) **Parking Citations.** The City Prosecuting Attorney and Chief of Police shall recommend to the Common Council a citation for use in enforcing the non-moving traffic offenses in this Chapter. Such citation shall be used for enforcement of non-moving traffic regulations created or adopted by this Chapter, including violations of non-moving traffic regulations defined and described in the Wisconsin Statutes, adopted by reference in Section 10-1-1, and all provisions regarding non-moving traffic violations in this Chapter. The citation for non-moving traffic violations shall contain a notice that the person cited may discharge the forfeiture for violation of a non-moving traffic regulation and penalty thereof by complying with Subsection (c)(2) of this Section. Non-moving traffic citations may be issued by law enforcement officers or by civilian employees of the Police Department.

(c) **Deposits and Stipulations.**

(1) ***Uniform Traffic Offenses.***

- a. ***Who May Make.*** Persons arrested or cited for violation of moving traffic offenses created by this Chapter shall be permitted to make deposits and stipulations of no contest or released by the arresting officer in accordance with the applicable provisions of the Wisconsin Statutes. Stipulations of guilt or no contest may be made by persons arrested for violations of this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats., whenever the provisions of Sec. 345.27, Wis. Stats., are inapplicable to such violations. Stipulations shall conform to the form contained in the uniform traffic citation and complaint under Sec. 345.11, Wis. Stats.
- b. ***Delivery or Mailing of Deposit and Stipulation.*** Any person stipulating guilt or no contest under the preceding Subsection must make the deposit required under Sec. 345.26, Wis. Stats., or, if the deposit is not established under such Statute, shall deposit a forfeited penalty as provided in the schedule established by the Chief of Police and approved by the Common Council. Deposits, including those for parking or nonmoving violations, shall be brought or mailed to the Clerk of Court as directed by the arresting officer.

(2) ***Non-moving Traffic Offenses.***

- a. ***Direct Payment of Penalty Permitted.*** Persons cited (summons not issued) for violation of non-moving traffic offenses described and defined in this Chapter may discharge the penalty thereof and avoid court prosecution by mailing or forwarding within five (5) days of the issuance of the citation to the Police Department the minimum forfeiture specified for the violation. When payment is made as provided in this paragraph, no court costs shall be charged.
 - b. ***Registration Suspension.*** If the alleged violator does not pay the forfeiture or appear in court in response to the citation for a non-moving traffic violation on the date specified in the citation or, if no date is specified on the citation, within twenty-eight (28) days after the citation is issued, the City may ask the Wisconsin Department of Transportation to suspend the registration of the vehicle involved or refuse registration of any vehicle owned by the person pursuant to the provisions of Sec. 345.28(4), Wis. Stats., and Subsection (c)(3) below.
 - c. ***Bond.*** Any official authorized to accept deposits under Sec. 345.26, Wis. Stats., or this Section, shall qualify by taking the oath prescribed by Sec. 19.01, Wis. Stats.
- (3) ***Notice of Demerit Points and Receipt.*** Every officer accepting a forfeited penalty or money deposit under this Section shall receipt therefor as provided in Sec. 345.26(3)(b), Wis. Stats. Every officer accepting a stipulation under the provisions of this Section shall comply with the provisions of Sections 343.27, 343.28, 345.26(1)(a) and 345.27(2), Wis. Stats., and shall require the alleged violator to sign

a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Sec. 345.11, Wis. Stats.

(4) **Registration Suspension Program.**

- a. The City may participate in the Wisconsin Department of Transportation Traffic Violation and Registration Program as set forth in Sec. 345.28, Wis. Stats., and Wis. Adm. Code TRANS. 128 and all amendments or changes thereto.
- b. The Chief of Police is hereby designated as a delegated authority for purposes of Sections 85.13 and 345.28, Wis. Stats., and Wis. Adm. Code TRANS. 128. The Chief of Police is authorized to perform, on behalf of the City, all functions required of a local authority under said Statutes and Code including, but not limited to:
 1. Preparing and completing all forms and notices, notifying the Wisconsin Department of Transportation of unpaid citations for non-moving traffic violations;
 2. Specifying whether the registration of vehicles involved in unpaid citations for non-moving traffic violations should be suspended and/or whether registration should be refused for any vehicle owned by persons with unpaid citations for non-moving traffic violations;
 3. Determining the method by which the City will pay the Wisconsin Department of Transportation for administration of the program; establishing the effective date for participation;
 4. And taking such other action as is necessary to institute and continue participation in the Wisconsin Department of Transportation Traffic Violation and Registration Program.
- c. The Chief of Police is hereby authorized to assign a member of the Police Department to perform such acts as are necessary to effectuate this Subsection.
- d. In addition to all applicable fines and court costs, the cost of using the Wisconsin Department of Transportation Traffic Violation and Registration Program shall be assessed as permitted by Sec. 345.28(4)(d), Wis. Stats. The Police Department may refuse to notify the Wisconsin Department of Transportation of payment on a citation until all applicable fines and costs, including costs assessed under the preceding sentence, are paid.
- e. This Subsection shall not be interpreted as requiring that all unpaid citations for non-moving traffic violations be processed through the Wisconsin Department of Transportation Traffic Violation and Registration Program. The City's participation in such program shall be in addition to any and all other means legally available to enforce such citations.

State Law Reference: Sec. 345.28, Wis. Stats.; Chapter TRANS 128, Wis. Adm. Code.

Title 10 ► Chapter 2

Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Regulation of Skateboards, Roller Skates and Roller Skis
10-2-5	General Bicycle Regulations
10-2-6	Bicycle Registration
10-2-7	Bicycle Penalties
10-2-8	Play Vehicle Penalties

Sec. 10-2-1 Definitions.

As used in this Chapter:

- (a) **Bicycle** means every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than fourteen (14) inches in diameter.
- (b) **Bicycles' Lane** means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route** means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) **Bicycle Way** means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.
- (e) **Carrier** means any device attached to a bicycle designed for carrying articles.
- (f) **Right-of-Way** means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.
- (g) **Play Vehicles** means any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.

Sec. 10-2-2 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway during hours of darkness unless equipped as required in Sec. 347.81, Wis. Stats.

Sec. 10-2-3 Rules of the Road.

The provisions of Chapters 346 and 347, Wis. Stats., and applicable City ordinances shall govern the operation of bicycles where appropriate. Every person driving a bicycle upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic ordinances of the City applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 10-2-4 Regulation of Skateboards, Roller Skates and Roller Skis.

- (a) **Regulations.** It shall be unlawful for any person in the City of Amery to operate or ride a skateboard, roller skates, in-line skates, scooters (motorized and non-motorized), or roller skis ("play vehicles") in any of the following places:
 - (1) On any sidewalk in a business district of the City.
 - (2) In any public parking ramp or parking lot.
 - (3) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (b) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using City sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (c) **Play Vehicles Not To Be Pulled By Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller ski's, sled, toboggan or play vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

Sec. 10-2-5 General Bicycle Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4 and this Section.
- (b) **Street Operation.**
 - (1) Unless preparing to make a left turn, every person operating a bicycle upon a roadway carrying two-way traffic shall ride as near as possible to the right edge of the unobstructed traveled roadway. On one-way roadways, the operator of the bicycle shall ride as near as possible to the right edge or left edge of the unobstructed traveled roadway. Every person operating a bicycle upon a roadway shall exercise due care when passing a standing vehicle or one proceeding in the same direction, allowing a minimum of three (3) feet between his/her bicycle and the vehicle.

- (2) Every person when operating a bicycle upon a roadway shall ride such bicycle in single file.
- (3) It shall be unlawful for any person riding upon a bicycle to cling to or attach himself/herself or the bicycle to any other moving vehicle upon a street or highway.
- (4) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
- (5) No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
- (6) No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street.
- (7) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (8) No person may operate a bicycle or moped upon a roadway where a sign is erected indicating that bicycle riding is prohibited.
- (c) **Bicycle Parking.** No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
- (e) **Bicycles Not to be Pulled by Moving Vehicles.** No person riding upon a bicycle shall cling or attach himself/herself or his/her bicycle to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.
- (f) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (g) **Operation on Sidewalks.**
 - (1) No person over the age of ten (10) shall ride or propel any bicycle upon any public sidewalk or thoroughfare of the City set apart for pedestrians, except bicycles having wheels sized twenty (20) inches or under. This exception shall not apply to twenty (20) inch or under bicycles designed or modified to BMX specifications.
 - (2) No person shall ride or propel any bicycle upon any public street, alley, boulevard or sidewalk of the City in such manner as to interfere with the rights of other persons using such street, alley, boulevard, or sidewalk.
- (h) **Bicycle Operation While Hearing Obstructed.** No person may operate a bicycle upon a highway while such operator is using any audio device attached directly to ear or ears of

such operator that materially impairs the ability of such operator to hear traffic signals or warnings.

- (i) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.

- (j) **Riding Bicycle on Bicycle Lane.**

- (1) Unless two-way traffic is authorized by the Common Council on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.

- (2) a. Unless otherwise provided under Subsection (k)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.

- b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.

- (3) Every person operating a bicycle upon a bicycle lane shall exercise due care and given an audible signal when passing a bicycle rider proceeding in the same direction.

- (4) Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.

- (k) **Riding Bicycle on Bicycle Way.**

- (1) Every person operating a bicycle upon a bicycle way shall:

- a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.

- b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

- (2) Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.

- (3) Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

Sec. 10-2-6 Bicycle Registration and Licensing.

- (a) **Registration Required.** No person shall operate a bicycle upon any street or public highway within the City of Amery unless said bicycle shall first have been properly registered and tagged as hereinafter provided.

- (b) **Form of Registration.** Every owner or operator of a bicycle within the City shall, prior to operation, file with the City Administrator a complete description of such bicycle upon

a blank form to be provided for the purpose, which such filing of description shall constitute a registration of such bicycle for the purpose of this Section. Such registration shall be serially numbered and kept on file by the City Administrator in the City Administrator's office as a public record.

- (c) **Identification Tag.** Immediately upon the registration of the bicycle, the owner shall affix to such bicycle a license tag, serially numbered to correspond with the registration of each bicycle. Each tag shall thereafter remain affixed to such bicycle unless removed by the Police Department for cause or for replacement with another tag upon re-registration. A fee as prescribed in Section 1-3-1 shall be paid to the City Administrator upon initial registration and issuance of the license tag. The license tag will be a permanent non-expiring tag to be affixed to the bicycle frame (either below the handle bars and above the fork or below the seat). Upon sale of a registered bicycle, the purchaser shall transfer the license tag upon re-registration and payment of a fee as prescribed in Section 1-3-1 to the City Administrator. All newly acquired bicycles shall be registered within thirty (30) days of the date of purchase or acquisition or shall be subject to a One Dollar (\$1.00) penalty in addition to the normal registration fee.
- (d) **Bicycle Safety.**
 - (1) The Police Department may from time to time conduct bicycle safety seminars. The purpose of these seminars is to teach and encourage safe bicycle operation, rules of the road and the importance of bicycle registration and tagging.
 - (2) As an incentive for maximum participation in these bicycle safety seminars, the Police Department may register and affix license tags to those participants and their bicycles at a reduced rate upon approval of the City Administrator. These registrations, license tags, and fees shall be recorded with the City Administrator's office the following work day after the bicycle safety seminar.
- (e) **Inspection.** The Police Department shall have authority to inspect each bicycle presented for the registration and they shall have the authority to refuse to register any such bicycle found by them to be in unsafe mechanical condition or not equipped as herein required.
- (f) **Cancellation of Registration.** The Chief of Police may cancel the registration of and remove the identification tag from any bicycle being operated upon any streets in the City in an unsafe manner or in violation of any state law or local ordinance, and such cancellation of registration and removal of tag shall be in addition to other penalties provided hereunder.
- (g) **Change of Ownership.** Within ten (10) days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the City Administrator the person in whose name the bicycle has been registered.

Sec. 10-2-7 Bicycle Penalties.

- (a) Any person ten (10) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Municipal Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.

- (b) Any person ten (10) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second offense in the same year: Vehicle license stickers shall be invalidated by the Chief of Police for a period of not longer than fifteen (15) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (3) Third offense in the same year. Vehicle license stickers shall be invalidated by the Chief of Police for a period of not less than fifteen (15) days nor more than thirty (30) days as said officer may deem necessary. The owner of said vehicle shall neither use this vehicle nor any other vehicle during said suspension.
 - (4) Fourth and subsequent offense in the same year: Mandatory referral to Polk County Juvenile Court Intake Worker.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-8 Play Vehicle Penalties.

- (a) Any person ten (10) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under ten (10) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:
 - (1) First offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Second or third offense in the same year: The play vehicle may be impounded by law enforcement authorities following a hearing.
 - (3) Fourth and subsequent offense in the same year: Mandatory referral to Polk County Juvenile Court Intake Worker.

- (4) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.

Title 10 ► Chapter 3

Snowmobiles

- 10-3-1** State Snowmobile Laws Adopted
- 10-3-2** Applicability of Traffic Regulations
- 10-3-3** Operation Regulations; Trail Access Permits
- 10-3-4** Accidents and Accident Reports
- 10-3-5** Snowmobile and All-Terrain Vehicle Routes and Trails Designated
- 10-3-6** Snowmobile Access Between a Residence or Lodging Establishment and a Snowmobile Route or Trail
- 10-3-7** Snowmobiles on Open Water Prohibited
- 10-3-8** Penalty
- 10-3-9** Enforcement

Sec. 10-3-1 State Snowmobile and All-Terrain Vehicles Laws Adopted.

Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following enumerated sections of the Wisconsin Statutes are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

- 350.01 Definitions
- 350.02 Operation of Snowmobiles on or in the Vicinity of Highways
- 350.03 Right-of-Way
- 350.04 Snowmobile Races, Derbies and Routes
- 350.045 Public Utility Exemption
- 350.047 Local Utility Exemption
- 350.05 Operation by Youthful Operators Restricted
- 350.055 Safety Certification Program Established
- 350.06 Firearms and Bows

350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes, Etc.
350.10	Miscellaneous Provisions for Snowmobile Operation
350.101	Intoxicated Snowmobiling
350.102	Preliminary Breath Screening Test
350.1025	Application of Intoxicated Snowmobiling Law
350.104	Chemical Tests
350.106	Report Arrest to Department
350.107	Officer's Action After Arrest for Operating a Snowmobile While Under Influence of Intoxicant
350.12	Registration of Snowmobiles
350.125	Completion of Application for Registration by Snowmobile Dealers
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.18	Local Ordinances
350.19	Liability of Landowners
350.99	Parties to a Violation

Sec. 10-3-2 Applicability of Traffic Regulations.

No person shall operate a snowmobile or all-terrain vehicle in the City of Amery upon any highway, street, alley, public parking lot or upon any private parking lot or road held out for the use of the general public for parking or vehicular travel in violation of traffic regulations made applicable by Sec. 346.02(10), Wis. Stats., for snowmobiles and Sec. 346.02(11), Wis. Stats., for all-terrain vehicles, except as provided in Section 10-3-5 and 10-3-6.

Sec. 10-3-3 Operation Regulations; Trail Access Permits.

- (a) **Speed.** No person shall operate a snowmobile or all-terrain vehicle upon any public property, snowmobile or all-terrain vehicle route or trail within the City of Amery in excess of fifteen (15) miles per hour.
- (b) **Unattended Vehicles.** No person shall leave or allow a snowmobile or all-terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.
- (c) **Operation of Snowmobiles on Streets, Alleys and Sidewalks.** No person shall operate a snowmobile upon any street, alley or sidewalk within the City of Amery at any time, except and subject to the following conditions:

- (1) **Limitations.** Snowmobiles may be operated on streets, alleys or sidewalks during a period of emergency when so declared by the Mayor upon advice of the Chief of Police.
 - (2) **Special Events.** Snowmobiles may be operated on streets or alleys for special snowmobile events of limited duration which are conducted according to a pre-arranged schedule under the permission of the Common Council of the City of Amery.
- (d) **Age of Operators.**
- (1) No person under the age of twelve (12) years may operate a snowmobile unless accompanied by a parent or guardian or a person eighteen (18) years of age or older. Persons between twelve (12) and sixteen (16) years of age must possess a valid snowmobile safety certificate or be accompanied by a person over eighteen (18) years of age or a person over fourteen (14) years of age holding a valid snowmobile safety certificate.
 - (2) No owner or other person having charge or control of a snowmobile or all-terrain vehicle may knowingly authorize or permit any person to operate the snowmobile or all-terrain vehicle if the person is prohibited from operating a snowmobile or all-terrain vehicle under Wisconsin Statutes or this Chapter, or if the person is incapable of operating a snowmobile or all-terrain vehicle because of physical or mental disability or if the person is under the influence of alcohol beverages or controlled substances or a combination thereof, under the influence of any other drug to a degree which renders him/her incapable of safely operating a snowmobile or all-terrain vehicle.
 - (3) No parent or guardian of any child shall authorize or knowingly permit such child to operate a snowmobile or all-terrain vehicle if the child is prohibited from operating a snowmobile or all-terrain vehicle under Wisconsin Statutes or this Chapter.
- (e) **Pursuit of Animals.** No operator shall violate Sec. 350.01, Wis. Stats., by driving or pursuing any animal with a snowmobile or all-terrain vehicle.
- (f) **Proper Lighting.** Each snowmobile or all-terrain vehicle operator on the designated route shall see to it that his/her snowmobile or all-terrain vehicle is equipped with proper, operating head lamps, tail lights and brakes and other required equipment all in accord with Sec. 350.09, Wis. Stats.
- (g) **Miscellaneous Regulations.** No person shall operate a snowmobile or all-terrain vehicle in the following manner:
- (1) At a rate of speed that is unreasonable or improper under the circumstances.
 - (2) In any careless way so as to endanger the person or property of another.
 - (3) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (4) Without a functioning muffler.
 - (5) On the private property of another without the consent of the owner or lessee.
 - (6) On the frozen surface of public waters within one hundred (100) feet of a person not in or upon a vehicle or within one hundred (100) feet of a fishing shanty unless operated at a speed of ten (10) miles per hour or less.

- (7) On a slide, ski or skating area except for purposes of servicing the area, crossing at places where marked or after stopping and yielding the right-of-way.
- (8) On or across a cemetery, school or church property without consent of the owner.
- (h) **Intoxicated Snowmobiling Prohibited.** The restrictions of Sec. 350.101, Wis. Stats., are hereby incorporated by reference and it shall be a violation of this Section to engage in operation of a snowmobile while under the influence of an intoxicant to a degree which renders the operator to be incapable of safe snowmobile operation. In addition, Sections 350.102 through 350.107, Wis. Stats., are incorporated herein by reference for enforcement purposes against intoxicated use of a snowmobile.
- (i) **Non-Assumption of Liability.** By enacting this Section designating a snowmobile route through the City, portions of which cross private properties, or frozen surfaces, the City is assuming no responsibility for any property damage or personal injuries sustained by any persons as a result of the operation of snowmobiles across those properties.

Sec. 10-3-4 Accidents and Accident Reports.

- (a) If he/she can do so without serious danger to his/her own snowmobile or to persons on board, the operator of a snowmobile involved in a snowmobile accident within the City shall stop his/her snowmobile and shall render to other persons affected thereby such assistance as may be practicable and necessary to save them from or minimize any danger caused by the accident and shall give his/her name and address and identification of his/her snowmobile to any person injured and to the owner of any property damaged in the accident.
- (b) If the snowmobile accident results in death or injury to any person or total property damage in excess of Two Hundred Dollars (\$200.00), every operator of a snowmobile involved in such accident shall, as soon as possible, notify the Police Department of the accident and shall, within ten (10) days after the accident, file a written report thereof with the department on forms prescribed by it.
- (c) If the operator of a snowmobile is physically incapable of making the report required by this Section and there was another occupant on the snowmobile at the time of the accident capable of making the report, he/she shall make such report.
- (d) "Snowmobile Accident" means a collision, accident or other casualty involving a snowmobile.

Sec. 10-3-5 Snowmobile Routes and All-Terrain Vehicle Routes and Trails Designated.

- (a) **Routes Designated.** Except as provided herein and in Secs. 350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., no

person shall operate a snowmobile or all-terrain vehicle upon any public right-of-way, in any public park, or on any other public municipal property in the City of Amery except upon snowmobile or all-terrain vehicle routes and trails designated by resolution by the Common Council or upon a special access route established by Section 10-3-6.

- (b) **Trail Markers.** The Chief of Police is directed and authorized to procure, erect and maintain appropriate snowmobile or all-terrain vehicle route, trail and limit signs and markers as approved by the State Department of Natural Resources under Sec. 350.13, Wis. Stats. The Chief of Police shall have the power to declare the stated snowmobile routes and trails either open or closed.
- (c) **Markers to Be Obeyed.** No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this Section.
- (d) **Operation of Snowmobiles in City Limited to Designated Route.** Snowmobiles or all-terrain vehicles shall not be operated upon any street, highway or alley, nor upon any public property in the City subject to the following express exceptions:
 - (1) Upon the designated route.
 - (2) Upon a street, highway or alley right-of-way providing the most direct route between a snowmobile or all-terrain vehicle operator's place of residence in the City and the designated route pursuant to Section 10-3-6. The sole reason for allowing the use of streets, highways or alleys other than those incorporated into the designated route for snowmobile and all-terrain vehicle operation purposes shall be limited strictly to access to and from the designated route for snowmobile and all-terrain vehicle operators whose places of residence are in the City. At all times when operating on other than the designated route, snowmobile and all-terrain vehicle operators shall comply with speed and right-of-way limitations as set forth at Section 350.02 and 350.03, Wis. Stats.
- (e) **Rules of Operation.** Snowmobiles and all-terrain vehicles operated on designated snowmobile and all-terrain vehicle routes over public highways shall observe the rules of the road for motor vehicles set forth in Chapter 346, Wis. Stats., and Title 10 of this Code of Ordinances, which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by such laws is required or prohibited by this Section.
- (f) **Declaring Trails Closed.** Due to weather conditions or emergency, the Chief of Police may declare snowmobile and all-terrain vehicle trails closed within the City.

Cross-Reference: Section 10-4-2.

Sec. 10-3-6 Snowmobile Access Between a Residence or Lodging Establishment and a Snowmobile Route or Trail.

- (a) **Intent.** The intent of this Section is to provide a means for persons to travel by snowmobile between a residence or lodging establishment within the City of Amery, Polk

County, Wisconsin and a snowmobile route or trail. The route of travel shall be the shortest distance from and to that residence or lodging establishment that is necessary for a person to operate a snowmobile on a snowmobile route or trail which is closest to that residence or lodging establishment.

- (b) **Statutory Authority.** This Section is adopted as authorized under Sec. 350.18(3)(a), Wis. Stats.
- (c) **Designated Roadways and/or Highways.** No person shall operate a snowmobile on a roadway or shoulder of a highway not designated as a snowmobile route other than the following:
 - (1) All roadways or shoulders except STH 46 and CTH F.
- (d) **Conditions.** This Section designates the roadway and/or shoulders of specific highways for snowmobile travel between a residence and a lodging establishment within the limits of the City of Amery, Polk, County, Wisconsin to travel for the shortest distance that is necessary to reach the snowmobile trail or route that is closest to that residence or lodging establishment subject to the following conditions:
 - (1) Snowmobiles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - (2) Snowmobiles shall be operated in single file.
 - (3) Snowmobile headlights and tail lights shall be on at all times.
 - (4) Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.
- (e) **Speed.** A snowmobile operated on a portion of the roadway or shoulder of a highway pursuant to this Section shall observe roadway speed limits.
- (f) **Enforcement.** This Section shall be enforced by any law enforcement officer of the City of Amery.
- (g) **Penalties.** Wisconsin state snowmobile penalties as found in Sec. 350.11(1)(a), Wis. Stats., are adopted by reference, as the penalties applicable for violations of this Section.

Sec. 10-3-7 Snowmobiles on Open Water Prohibited.

- (a) **Prohibited Operation.** No person shall operate a snowmobile upon any open waters within the City of Amery. This prohibition is in effect year round.
- (b) **Recovery Costs.** In addition to any forfeiture imposed for violation of Subsection (a), a violator may be assessed additional costs for the expenses incurred by the City for retrieval and recovery of any snowmobile from the open waters of the body of water in which any snowmobile has submerged.

Sec. 10-3-8 Penalty.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, provided no person shall forfeit an amount in excess of

the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Title 10, Chapter 1, of this Code of Ordinances.

Sec. 10-3-9 Enforcement.

- (a) **Uniform Citation for Highway Violations.** The uniform traffic citation promulgated under Sec. 345.11, Wis. Stats., shall be used for violations of this Chapter relating to highway use except as herein provided.
- (b) **Parking Violations.** The special traffic citation described and defined in Title 10, Chapter 1, of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted by reference in Section 10-3-1 of this Chapter.
- (c) **Forfeited Penalties and Deposits.** Except as otherwise provided in Sec. 345.26, Wis. Stats., and the deposit schedule adopted by the State Board of Circuit Court Judges thereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Common Council.

Title 10 ► Chapter 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1** State All-Terrain Vehicle Laws Adopted; Routes Established
- 10-4-2** Unauthorized Operation of Motor Vehicles on Public or Private Property
- 10-4-3** Mini-Bikes and Self-Propelled Vehicles Regulated

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted; Routes Established.

- (a) **Statute Statutes Adopted.** The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

- (b) **ATV Route Established.** The following City trails, alleys and streets may be used for all-terrain vehicle routes, as authorized by Sec. 23.33., Wis. Stats.:
- (1) Harriman Avenue, commencing from the intersection of Burman Avenue to the intersection of Cherry Street.

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- (2) Cherry Street from the intersection with Harriman Avenue, west to the intersection with Melrose Avenue.
 - (3) Melrose Avenue from the intersection with Cherry Street, south to the intersection with Griffin Street.
 - (4) Griffin Street, from the intersection with Melrose Avenue, west to the intersection with Minneapolis Avenue.
 - (5) River Place Drive from the intersection with Griffin Street south and west, to Cornwall Avenue.
 - (6) Minneapolis Avenue, from the intersection with Griffin Street, north to the intersection with Central Street.
 - (7) Central Street, from the intersection with Minneapolis Avenue, east to the intersection with River Avenue.
 - (8) River Avenue, from the intersection with Central Street, south continuing until three hundred (300) feet past the south boundary of the intersection of River Avenue and Elm Street.
 - (9) On an unnamed trail on City-owned property between Central Street and Center Street, to the Cattail Trail head.
 - (10) From the Cattail Trail head, on Center Street east to Birch Street, continuing on Birch Street to the intersection with Riverside Boulevard.
 - (11) Riverside Boulevard, from the intersection with Birch Street, to North Park.
 - (12) On the unnamed street in North Park.
- (c) **Speed.** Unless otherwise authorized by law, the maximum speed for the operation of an all-terrain vehicle within the City of Amery shall be fifteen (15) miles per hour.

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

- (a) **Purpose.**
- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
 - (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
 - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
 - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
 - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
 - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas or on routes authorized by the Common Council, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle, trail bike, or any other motor-driven craft or vehicle principally manufactured for off-highway use on the City streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public, such property to include, but not be limited to, shoulders of the road, roadway embankments and sidewalks. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

Sec. 10-4-3 Mini-Bikes and Self-Propelled Vehicles Regulated.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Mini-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.
 - (2) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-the-road use, including but not limited to, go-carts, all-terrain vehicles and all other vehicles not registered pursuant to Chapter 341, Wis. Stats., but not snowmobiles.
 - (3) **Motorized Vehicle.** Any self-propelled device in, upon or by which any person or property is or may be transported.
 - (4) **Highway.** All public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.
- (b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the City of Amery in the following manner:
- (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
 - (2) In any careless way so as to endanger the person or property of another.
 - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
 - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (5) Without a functioning muffler.
 - (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the City of Amery unless such vehicle is registered as required by Chapter 341, Wis. Stats., and its operation and operator are specifically permitted to operate the said vehicle by the Wisconsin Statutes.
 - (7) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
 - (8) Upon any lands owned, operated or leased by the City of Amery.
 - (9) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
 - (10) In violation of any provision of Section 10-4-2.
- (c) **Liability of Parent or Guardian.** No parent or guardian of any child under the age of eighteen (18) years shall authorize or permit such child to violate any of the provisions of this Section. Any child under the age of eighteen (18) years who shall operate a mini-bike or self-propelled device shall be presumed to be operating said vehicle under the authority of a parent or guardian.
- (d) **Penalties.** Any person who shall violate this Section shall, upon conviction thereof, forfeit for each offense not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and in default of payment of such

forfeiture and costs of prosecution shall be imprisoned in the county jail not to exceed thirty (30) days.

Title 10 ► Chapter 5

Abandoned and Junked Vehicles

10-5-1	Abandoned Vehicles; Definitions
10-5-2	Removal and Impoundment of Vehicles
10-5-3	Removal, Storage, Notice or Reclaimer of Abandoned Vehicles
10-5-4	Disposal of Abandoned Vehicles
10-5-5	Report of Sale or Disposal
10-5-6	Owner Responsible for Impoundment and Disposal Costs
10-5-7	Conflict with Other Code Provisions
10-5-8	Junked Vehicles and Appliances on Private Property

Sec. 10-5-1 Abandoned Vehicles; Definitions.

- (a) **Abandonment of Vehicles Prohibited.** No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Amery for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. Whenever any such vehicle has been left unattended on any street or highway in the City of Amery or upon private or public property without the permission of the property owner or other person charged with the lawful jurisdiction thereof for more than forty-eight (48) hours, the vehicle shall be deemed abandoned and constitutes a public nuisance.
- (b) **Definitions.** For purposes of this Chapter, the following definitions shall be applicable:
- (1) **Vehicle** shall mean a motor vehicle, trailer, semitrailer or mobile home, whether or not such vehicle is registered under Wisconsin Law.
 - (2) **Unattended** shall mean unmoved from its location with no obvious sign of continuous human use.
 - (3) **Street** shall mean any public highway or alley and shall mean the entire width between the boundary lines of any public way where any part thereof is open to the public for purposes of vehicular traffic.
- (c) **Presumptions.** For purposes of this Section, the following irrebuttable presumptions shall apply:
- (1) A vehicle shall be presumed unattended if it is found in the same position forty-eight (48) hours after issuance of a traffic ticket or citation and if such traffic ticket or citation remains placed upon the windshield during said forty-eight (48) hours.

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- (2) Any vehicle left unattended for more than forty-eight (48) hours on any public street or public ground or left unattended for more than forty-eight (48) hours on private property without the consent of the property owner is deemed abandoned and constitutes a nuisance; provided, that the vehicle shall not be deemed abandoned under this Subsection if left unattended on private property outside of public view and is
- (3) enclosed within a building, or if designated as not abandoned by the Chief of Police or designee.
- (d) **Exceptions.** This Section shall not apply to a vehicle in an enclosed building or a vehicle stored on a premises licensed for storage of junk or junked vehicles and fully in compliance with City zoning regulations, or to a vehicle parked in a paid parking lot or space where the required fee has been paid.

Sec. 10-5-2 Removal and Impoundment of Vehicles.

Any vehicle in violation of this Chapter shall be removed and impounded until lawfully claimed or disposed of under the provisions of Section 10-5-3.

Sec. 10-5-3 Removal, Storage, Notice or Reclaimer of Abandoned Vehicles.

- (a) **Applicability.** The provisions of this Section shall apply to the removal, storage, notice, reclaimer or disposal of abandoned vehicles as defined in Section 10-5-1.
- (b) **Removal.**
 - (1) Any law enforcement officer who discovers any motor vehicle, trailer, semitrailer or mobile home on any public street or highway or private or public property in the City of Amery which has been abandoned shall cause the vehicle to be removed to a suitable place of impoundment.
 - (2) Upon removal of the vehicle, the law enforcement officer shall notify the Chief of Police or his/her designee of the abandonment and of the location of the impounded vehicle.
- (c) **Storage and Reclaimer.** Any abandoned vehicle which is determined by the Chief of Police or his/her designee to be abandoned shall be retained in storage for a period of fourteen (14) days after certified mail notice, as hereinafter provided, has been sent to the Wisconsin titled owner and/or secured party of record with the Wisconsin Motor Vehicle Division, except that if the Chief of Police or his/her designee determines an abandoned vehicle to have a value of less than One Hundred Dollars (\$100.00), or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, it may be junked or sold by direct sale to a licensed salvage dealer after having been retained in storage for a period of seven (7) days and after certified mail notice, as hereinafter

provided, has been sent to the Wisconsin titled owner or secured party of record with the Wisconsin Motor Vehicle Division, provided that it is first determined that the vehicle is not reported stolen or wanted for evidence or other reason. All substantially complete vehicles in excess of nineteen (19) model years of age shall be deemed as having value in excess of One Hundred Dollars (\$100.00). Any such vehicle which may be lawfully reclaimed may be released upon the payment of all accrued charges, including towing, storage and notice charges and upon presentation of the vehicle title or other satisfactory evidence to the Chief of Police or his/her designee to prove an ownership or secured party interest in said vehicle.

- (d) **Notice to Owner or Secured Party.** Certified mail notice, as referred to herein, shall notify the Wisconsin titled owner of the abandoned vehicle, if any, and/or the secured party of record with the Wisconsin Motor Vehicle Division, if any, of the following:
- (1) That the vehicle has been deemed abandoned and impounded by the City of Amery;
 - (2) The "determined value" of the abandoned vehicle;
 - (3) If the cost of towing and storage costs will exceed the determined value of the vehicle;
 - (4) That if the vehicle is not wanted for evidence or other reason, the vehicle may be reclaimed upon the payment of all accrued charges, including towing, storage and notice charges, within fourteen (14) days of the date of notice, unless the vehicle has been determined to have a value less than One Hundred Dollars (\$100.00) or that the cost of towing and storage charges for impoundment will exceed the value of the vehicle, in which case the vehicle may be reclaimed within seven (7) days upon the payment of the aforesaid charges; and
 - (5) That the owner or aforesaid secured party may, upon request, be granted a hearing relating to the determinations made with respect to said vehicle within the period that such vehicles may be reclaimed.

Sec. 10-5-4 Disposal of Abandoned Vehicles.

Any abandoned vehicle impounded by the City which has not been reclaimed or junked or sold by direct sale to a licensed salvage dealer pursuant to the provisions of this Chapter may be sold by public auction sale or public sale calling for the receipt of sealed bids. A Class I Notice, including the description of the vehicles, the name(s) and address(es) of the Wisconsin titled owner and secured party of record, if known, and the time of sale shall be published before the sale.

Sec. 10-5-5 Report of Sale or Disposal.

Within five (5) days after the direct sale or disposal of a vehicle as provided for herein, the Chief of Police or his/her designee shall advise the State of Wisconsin Department of Transportation,

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Division of Motor Vehicles, of such sale or disposal on a form supplied by said Division. A copy of the form shall be given to the purchaser of the vehicle enabling the purchaser to obtain a regular certificate of title for the vehicle. The purchaser shall have ten (10) days to remove the vehicle from the storage area but shall pay a reasonable storage fee established by the City for each day the vehicle remains in storage after the second business day subsequent to the sale date. Ten (10) days after the sale the purchaser shall forfeit all interest in the vehicle and the vehicle shall be deemed to be abandoned and may be sold again. Any listing of vehicles to be sold by the City shall be made available to any interested person or organization which makes a written request for such list to the Police Department. The Police Department may charge a reasonable fee for the list.

Sec. 10-5-6 Owner Responsible for Impoundment and Disposal Costs.

- (a) The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not covered from the sale of the vehicle may be recovered in a civil action by the City against the owner.
- (b) Payment of removal and impoundment costs is not required when the vehicle has been impounded for purposes of law enforcement investigation.

Sec. 10-5-7 Conflict with Other Code Provisions.

In the event of any conflict between this Section and any other provisions of this Municipal Code, this Chapter shall control.

Sec. 10-5-8 Junked Vehicles and Appliances on Private Property.

- (a) **Statement of Purpose.** In order to promote public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, to preserve and enhance the scenic beauty of lands bordering public streets, to attract tourists and promote the prosperity, economic well-being and general welfare of the City, it is declared to be in the public interests to regulate and restrict the storage of all junked materials, in/on private or public property and the storage of junked, inoperable, wrecked, discarded or abandoned vehicles.
- (b) **Storage Restricted.**
 - (1) No disassembled, inoperable, unlicensed, junked or wrecked motor vehicles, truck bodies, tractors, trailers, farm machinery, vehicle parts or tires, recreational vehicles

- (boats, campers, snowmobiles, all-terrain vehicles, etc.), construction materials, abandoned mobile home or trailer, miscellaneous junk, household furnishings, or appliances (all of which are categorized under this Section as "regulated materials and items") shall be stored outside upon private residential property or be stored unenclosed outside a building or Common Council-approved fencing upon nonresidential property within the City of Amery for a period exceeding ten (10) days unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance, in full compliance with all City regulations. Outside storage on a commercial or industrial property shall be enclosed by a fence of a design approved by the Common Council.
- (2) No truck or automobile used for racing or demolition derby purposes, or vehicles used as parts sources for such purposes, whether operable or inoperable, shall be stored upon private residential property or be stored unenclosed outside a building or Common Council-approved fencing upon nonresidential property within the City of Amery for a period exceeding ten (10) days, unless it is in connection with an authorized business enterprise located in a properly zoned area maintained in such a manner as to not constitute a public nuisance, in compliance with all City and other regulations.

(c) **Definitions.**

- (1) **Disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers.** As used in this Section is defined as follows: motor vehicles, recreational vehicles (boats, campers, snowmobiles, all-terrain vehicles, etc.), truck bodies, tractors, farm machinery or trailers in such state of physical or mechanical ruin as to be incapable of propulsion, being operated upon the public streets or highways or which is otherwise not in safe or legal condition for operation on public streets or highways due to missing or inoperative parts, flat or removed tires, expired or missing license plates or other defects. Shall also be included in the term "regulated materials and items" defined in Subsection (a) above.
- (2) **Unlicensed – motor vehicles, truck bodies, tractors or trailers.** As used in this Chapter is defined as follows: motor vehicles, truck bodies, tractors, recreational vehicles or trailers which do not bear lawful current license plates.
- (3) **Motor vehicle.** As defined in Sec. 340.01(35), Wis. Stats.
- (4) **Inoperable appliance.** Any stove, washer, refrigerator or other appliance which is no longer operable in the sense for which it was manufactured. Shall also be included in the term "regulated materials and items" defined in Subsection (b) above.
- (5) **Zoned; zoning.** Any land use control ordinance that may be in force.
- (6) **Enclosure.** Type of construction required to hide and harbor vehicles from public view, excluding tarps. The Common Council shall have sole authority to determine the adequacy of enclosures required under this Chapter, which may be a structure, fence, vegetative screening, or other type of acceptable enclosure.

- (7) **Owner.** Considered to be the person(s) who occupies the premises and who may or may not be the responsible person(s) harboring such unlicensed motor vehicle.
- (8) **Abandoned mobile home or trailer.** One which has not been used or occupied, or which due to dilapidate condition cannot be occupied in a healthful manner, within the past three hundred sixty-five (365) days.
- (d) **Exceptions.** This Section shall not apply to any motor vehicle, motor vehicle accessories, or other regulated materials or items listed in Subsection (a) stored within an enclosed building or on the premises of a business enterprise operated in a lawful place and in a non-nuisance manner in a properly zoned area when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner. The Common Council may determine the necessity of such storage and may require fencing of such non-residential parties. In other situations the Common Council may issue one-time temporary permits permitting an extension of not to exceed an additional thirty (30) days' time to comply with this Section where exceptional facts and circumstances warrant such extension.
- (e) **Enforcement.**
 - (1) Whenever a City law enforcement officer shall find any vehicles or appliances, as described herein, placed or stored in the open upon private property within the City, he/she shall notify the owner of said property on which said vehicle or appliance is stored of the violation of this Section. If said vehicles or appliance is not removed within three (3) days, a City law enforcement officer shall cause to be issued a citation to the property owner or tenant of the property upon which said vehicle or appliance is stored.
 - (2) If such vehicle or appliance is not removed within twenty (20) days after issuance of a citation, a City law enforcement officer shall cause the vehicle or appliance to be removed and impounded, and it shall thereafter be disposed of as prescribed in Sections 10-5-3 through 10-5-6 by a City law enforcement officer. Any cost incurred in the removal and sale of said vehicle or appliance shall be recovered from the owner. However, if the owner of the vehicle or appliance cannot readily be found, the cost of such removal shall be charged to the property from which it is removed, which charges shall be entered as a special charge on the tax roll.
- (f) **Penalty.** Any person who shall interfere with the enforcement of any of the provisions of this Section and shall be found guilty thereof shall be subject to a penalty as provided in Section 1-1-7. Each motor vehicle or appliance involved shall constitute a separate offense.

State Law Reference: Sec. 342.40, Wis. Stats.